

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-58567

KELLY JAMES KIZER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER REQUIRING ATTORNEY DREW S. NORTON TO DISGORGE TO THE
DEBTOR EXCESSIVE FEES**

On June 18, 2014, the Court entered an order in this case entitled “Order Confirming Certain Rulings Made and Relief Ordered by the Court During the June 18, 2014 Hearing; Requiring Attorney Drew S. Norton to Retake ECF Training Course, and to File an Itemization of All Work He Has Performed for Debtor and All Payments Received from or on Behalf of Debtor” (Docket # 57, the “June 18 Order”). In response to the June 18 Order, on June 27, 2014, the Debtor’s attorney Drew S. Norton filed a document entitled “Statement of Services Rendered for and Fees Paid by Debtor” (Docket # 60, the “Itemization”). The Court has reviewed that Itemization, as well as the supplements filed by attorney Norton on August 1, 2014 (Docket ## 69, 70).¹

For the reasons stated by the Court on the record during the June 18, 2014 hearing² and in the Court’s June 18 Order,³ the Court finds that attorney Norton is entitled to a flat fee of no more than \$1,800.00 for all of his work as attorney for the Debtor in this case and in any and all adversary proceedings related to this case. The Court also finds, based on attorney Norton’s Itemization and the supplements to same, that to date the Debtor has paid attorney Norton a total of \$4,694.00 in fees for this case and the related adversary proceeding (Adv. No. 14-4025). The Court therefore finds that the fees that Debtor has paid to attorney Norton exceed the reasonable value of such services, within the meaning of 11 U.S.C. § 329(b), and exceed the amount of fees that Norton is contractually and legally entitled to, by \$2,894.00.

¹ The Court notes that in the Itemization and in the supplements, attorney Norton asks the Court to reconsider the denial of his motions to withdraw as counsel for the Debtor in this case and in Adv. No. 14-4025. Those requests for reconsideration will not be granted, because they are not made in a separate motion. But that is without prejudice to attorney Norton’s right “to file a new motion for leave to withdraw as counsel for the Debtor, if Debtor fails at any time after the June 18, [2014] hearing to promptly communicate with and cooperate with attorney Norton in connection with this Chapter 7 bankruptcy case” and the adversary proceeding. *See* Docket # 56 (June 18, 2014 Order denying Norton’s motion for leave to withdraw) at ¶ 2.

² *See* Transcript of June 18, 2014 hearing (Docket # 61) at 40-47.

³ *See* June 18, 2014 Order (Docket # 57) at ¶¶ 2-3, 5 and accompanying footnotes.

For these reasons, and under 11 U.S.C. §§ 329(b) and 105(a), the Court will order the following relief.

IT IS ORDERED that no later than August 18, 2014, attorney Drew S. Norton must return to the Debtor Kelly James Kizer the amount of \$2,894.00, and attorney Norton must file with this Court an affidavit demonstrating his compliance with this Order.

Signed on August 4, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge